

REMARKS

The present application includes pending claims 1-68, all of which have been rejected. Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 and 68 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 7,065,778 (“Lu”). Claims 8, 20, 43, 52 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 7,084,994 (“Koppich”). Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 7,170,546 (“Pocock”). Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Pocock and Koppich. The Applicants respectfully traverse these rejections for at least the following reasons:

I. Lu Does Not Anticipate Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 And 68

Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the

personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Independent claim 1 recites, in part, “server software that **maintains a user defined association of the first and second network addresses**, receives, via a communication network, **a request that identifies one or more of the associated first or second network addresses**, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Independent claims 13, 37, 45 and 57 recite similar limitations. Lu does not describe, teach, or suggest such limitations. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 10, lines 10-15, as disclosing a request that “identifies at least one of the associated first and second network addresses.” *See* September 26, 2007 Office Action at page 6, June 25, 2007 Office Action at pages 5-6 and March 2, 2007 Office Action at page 5. This portion of Lu, however, states the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g.,

personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates the IP address of the location to which the recorded show will be sent. This portion of Lu does not, however, describe, teach or suggest “server software that **maintains a user defined association of the first and second network addresses**, receives via a communication network a **request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses...**,” as recited in claim 1, for example. In fact, there is absolutely nothing in Lu that describes, teaches or suggests that a server or processing unit “maintains a **user defined association of the first and second network address.**” Thus, for at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1, 13, 37, 45, 57 or the claims that depend therefrom.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing “[r]espond[ing] to a request that identifies one of the associated first and second network addresses] by identifying the other of the associated first and second network addresses.” See September 26, 2007 Office Action at page 6, June 25, 2007 Office Action at page 6 and March 2, 2007 Office Action at page 5. This portion of Lu, however, recites the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” See *id.* at column

6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses,” as recited in claim 1, for example. Thus, for at least this reason, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1, 13, 37, 45, 57 or the claims that depend therefrom.

In response to the Amendment filed August 13, 2007, the Office Action states the following:

[The Applicants argue that] Lu does not describe, teach or suggest “server software that maintains a user defined association of the first and second network addresses...”.

In response to applicant’s argument, in Col 6 lines 54-58 of Lu, PVR 200A is used to record desired TV shows requested by user from PVR 200, and once PVR 200A record the TV show, PVR 200A transmits the TV show to the EGP server 304, which then transmits the TV show to the requested PVR 200; the association of PVR 200 and PVR 200A is made when the PVR 200A is identified to record the user desired program, and the server must maintain the association of the network addresses of PVR 200 and 200A for media transfer.

See September 26, 2007 Office Action at pages 2-3.

As shown above, the Office Action relies on Lu at column 6, lines 54-58 as disclosing “server software that maintains a user defined association of the first and second network addresses.” This passage of Lu, however, states the following:

Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video

recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Again, this passage of Lu merely discloses that once a television show is recorded by a PVR **that was arbitrarily located by the EPG server computer**, that particular television show is sent to the requesting PVR. There is nothing in this cited passage that describes, teaches or suggests a **user defined association of first and second network addresses**.

As noted above, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer **arbitrarily locates** another PVR in a particular broadcast area to record the show for the requesting PVR. The user of a PVR does not, however, associate first and second network addresses. There simply is nothing in Lu that describes, teaches or suggests “server software that maintains a **user defined association of the first and second network addresses**,” as recited in the pending claims. If the Office Action continues to maintain its unsupported position, the Applicants respectfully request an **exact quote** from Lu that discloses such a **user defined** association.

In response to the Amendment filed August 13, 2007, the Office Action also states the following:

[The Applicants argue that] Lu does not teach or suggest “receiving a request identifying one of the network protocol addresses and responding by identifying the other”.... In response to applicant’s argument, Lu teaches PVR 200 sends a request to EPG server 304 to locate PVR 200A and/or PVR 200B (**Col. 6 lines 43-50**), and each PVR is associated with an IP addresses so each PVR could communicate with one another (**Col 10 lines 10-12**). In order to PVR to communicate with one another in a networked environment, each device is having a network address. PVR 200 is requesting for content and based on the request from PVR 200, PVR 200A/200B is responding with the requested content. Network addresses of are identified at each device to enable network communication and data transmission.

See September 26, 2007 Office Action at page 3 (emphasis added).

As discussed at length above, Lu does not describe, teach, or suggest, however, “server software that **maintains a user defined association of the first and second network addresses**, receives via a communication network **a request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses...**,” as recited in claim 1, for example.. The Office Action cites to column 6, lines 43-50 and column 10, lines 10-12 of Lu as disclosing limitations of the claims. As shown below, however, there is nothing in these cited portions of Lu that describes, teaches or suggests the relevant claim limitations.

First, Lu at column 6, lines 43-50 states the following:

The user of personalized video recorder 200 utilizes the EPG to **request delivery of a specific television show that may not be available to him or her.** Upon reception of the request from personalized video record 200, EPG server computer 304 **locates via Internet 302 one or more personalized video recorders** (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

*See Lu at column 6, lines 43-50 (emphasis added). Thus, in Lu, a user “requests delivery of a specific television show that may not be available to him or her.” In response to that request for an “unavailable television show,” the EPG server **arbitrarily locates a video recorder in a broadcast region of that television show.***

Claim 1, for example, recites, however, “server software that **maintains a user defined association of the first and second network addresses**, receives via a communication network **a request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the**

associated first or second network addresses.” Neither the portions of Lu cited in the Office Action, nor the remainder of Lu, describes, teaches or suggests such limitations. An EPG server arbitrarily finding a video recorder in a broadcast area of a television show in response to a request for delivery of that show is not an EPG server that “responds by identifying the other of the associated first and second network addresses to support delivery,” as recited in claim 1, for example.

Next, Lu at column 10, lines 10-12 recites the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

This portion of Lu merely discloses that a recorded television show is transmitted to an IP address once it is recorded. Again, however, there simply is nothing in this portion of Lu that describes, teaches or suggests “server software that **maintains a user defined association of the first and second network addresses**, receives via a communication network **a request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses...**,” as recited in claim 1, for example.

The Applicants respectfully submit that Lu does not describe, teach or suggest “server software that **maintains a user defined association of the first and second network addresses**, receives via a communication network **a request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds**

by identifying the other of the associated first or second network addresses...,” as recited in claim 1, for example.

For at least the reasons discussed above, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation with respect to claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 and 68. Indeed, Lu does not anticipate these claims for at least the reasons discussed above.

II. The Proposed Combination Of Lu And Koppich Does Not Render Claims 8, 20, 43, 52 And 64 Unpatentable

The Applicants respectfully submit that the proposed combination of Lu and Koppich does not render claims 8, 20, 43, 52 and 64 unpatentable for at least the reasons discussed above.

III. The Proposed Combination Of Lu And Pocock Does Not Render Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 And 67 Unpatentable

The Applicants next turn to the rejection of claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 as being unpatentable over Lu in view of Pocock. The Applicants respectfully submit that claims 10, 11, 22, 23, 54, 55, 66 and 67 should be in condition for allowance for at least the reasons discussed above.

Additionally, the Office Action acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* September 26, 2007 Office Action at page 15, June 25, 2007 Office Action at page 15 and March 2, 2007 Office Action at page 14. To overcome these deficiencies, the Office Action cites Pocock. *See id.* at page 16.

Pocock discloses a “television system which is capable of concurrently distributing multiple video presentations having different video information content over a single television channel for receipt by different respective viewers.” *See* Pocock at column 1, lines 11-15. Pocock describes a system in which “[u]ser requested interactive instructions between a user at the terminal end and the presentation system are transmitted by an associated telephone line or other communication link.” *See id.* at Abstract. While Pocock discloses a system in which instructions are transmitted over a telephone line or other communication link, Pocock does not describe, teach, or suggest a “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media.”

The Office Action cites Pocock at column 6, lines 19-37, and column 12, lines 26-31, as disclosing a telephone voice response system. *See* September 26, 2007 Office Action at page 16, June 25, 2007 Office Action at page 15 and March 2, 2007 Office Action at page 14. Pocock at column 6, lines 19-37 states the following:

Referring now to FIG. 3, an overall system diagram of a television system combining broadcast and interactive television services is illustrated. When an interactive presentation is requested, according to the present invention, the viewer sends instructions to a presentation system 10 at a central location to identify one or more presentations that are desired to be viewed. These instructions are transmitted from the viewer's remote location to the central location by means of a wire, fiber optics, cellular, radio or other telephone network 12. For example, the instructions might be transmitted as touch tones which the user generates by depressing buttons of the keypad on his telephone set. More preferably, however, the instructions are generated within a user terminal 14 located at the viewer's home, and transmitted over the telephone network as DTMF or modem tones on an analog line, or data on a digital line such as the ISDN format. For ease of use, the terminal 14 is preferably controlled by means of a remote control

unit 16, which transmits instructions to the terminal 14 via infrared signals.

This passage of Pocock merely describes that instructions may be transmitted over a telephone network. This passage does not describe, teach, or suggest, however, “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**”

Next, Pocock at column 12, lines 26-31, states the following:

The invention includes alternate methods for creating and modifying the carousel image assignment whereby users could utilize a telephone to access the DAS system or control computer and through the input of DTMF tones or voice prompts, recognizable to the system, create or make changes to a [sic] interactive image carousel.

While this passage of Pocock discloses that an interactive image carousel may be created or changed through input DTMF tones or voice prompts, it does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**” In particular, the creation or modification of an interactive image carousel through voice prompts is not the same as enabling the management of a set of options governing the consumption of media through a telephone voice response system request.

Claims 10 and 22 recites, in part, “server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the

associated first or second sets of options governing the consumption of media.” Neither Lu, nor Pocock, describe, teach, or suggest these limitations, as discussed above.

Further, the proposed combination of references also does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media,” as recited in claims 25 and 27. Thus, for at least these reasons, a *prima facie* case of obviousness has not been established with respect to claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67.

Additionally, the Office Action cites Pocock at column 6, lines 43-46, as disclosing a telephone voice response system “having an associated third network address” as recited in claims 10 and 22. *See* September 26, 2007 Office Action at page 16 and June 25, 2007 Office Action at page 15. This portion of Pocock discloses the following:

For example, the identification might indicate the particular video presentation to which it pertains, or it may be an address identifying the viewer for whom it is intended. All of the selected video images are assembled into a video signal that is transmitted to the viewers.

Pocock at column 6, lines 43-46. This portion of Pocock discloses that a viewer may have an address to which an item is to be sent. It does not describe, teach, or suggest, however a “telephone voice response system... having an associated third network address,” as recited in claims 10 and 22, for example. Thus, for at least this additional reason, the Office Action has not established a *prima facie* case of obviousness with respect to claims 10, 11, 22, 23, 66 and 67.

In response to the Amendment filed on August 13, 2007, the Office Action states the following:

[The Applicants argue that] Pocock does not teach “server software that receives from the telephone voice response system a request, and responds by **enabling the management of the associated set of options governing the consumption of media**”.... In response to applicant’s argument, it is the combination of Lu and Pocock that teaches the claimed invention, not Pocock alone. Lu as modified teaches a EPG server that enabling the management of the associated set of options governing the consumption of media.

See September 26, 2007 Office Action at page 4.

As noted above, however, the Office Action specifically acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* September 26, 2007 Office Action at page 15, June 25, 2007 Office Action at page 15 and March 2, 2007 Office Action at page 14. In order to overcome these deficiencies, the Office Action cites Pocock. *See id.*

As detailed above, the Applicants have shown that Pocock also does not describe, teach or suggest the relevant limitations. Thus, if Lu does not describe, teach or suggest these limitations (as acknowledged by the Office Action), and **Pocock also does not** describe, teach or suggest these limitations, **then the combination of the two references, by definition, also cannot describe, teach or suggest these limitations.** Thus, the Applicants respectfully maintain that the Office Action has not established a *prima facie* case of obviousness with respect to claims 10, 11, 22, 23, 25-32, 34-36, 54, 55 and 66-67. Indeed, these claims should be in condition for allowance for at least the reasons discussed above.

IV. The Proposed Combination Of Lu, Pocock And Koppich Does Not Render Claim 33 Unpatentable

The Applicants respectfully submit that claim 33 should be in condition for allowance for at least the reasons discussed above.

V. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation or obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: November 1, 2007

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